

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Street and Alley Vacation #02017

DATE: December 27, 2002

SCHEDULED PLANNING COMMISSION MEETING:

DATE: January 8, 2003

PROPOSAL: To vacate the north-south alley from the north line of vacated Hatch Street running northwesterly between Lot 18 Block 22 Wrigton Addition and Lot 146 I.T.

LAND AREA: 2,557.23 square feet, more or less

CONCLUSION: Vacating the north-south alley will create a situation where an east-west alley will be left without access. The east-west alley should be included in this request before the vacation is approved. The property owner adjacent to the north of the east-west alley will be meeting with the Planning Department regarding the vacation of the east-west alley. The Planning Department recommends deferral of this action until February 5, 2003. Planning Department anticipates this will allow the adjacent property owner sufficient time to consider filing a petition.

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| <u>RECOMMENDATION:</u> |
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| Deferral |
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The north-south alley from the north line of vacated Hatch Street running northwesterly between Lot 18 Block 22 Wrigton Addition and Lot 146 I.T., located in the southeast quarter of Section 35, Township 10 North, Range 6 East of the 6th P.M.

LOCATION: 7th Street and vacated Hatch Street.

APPLICANTS: Midwest Pump and Equipment Co.
2300 South 7th Street
Lincoln, NE 68502
(402) 476.6681

Daniel Dallman, Trustee
Rebecca Dallman, Trustee
622 South Street
Lincoln, NE 68502

OWNERS: (402) 476.5500
Same as Applicants.

CONTACT: Midwest Pump and Equipment Company
Dennis Walls
2300 South 7th Street
Lincoln, NE 68502
476.6681

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|----------------------------------|----------------|
| North: | Open storage | P Public |
| South: | Industrial | I-1 Industrial |
| East: | Open storage, vacant, Industrial | I-1 Industrial |
| West: | Industrial | I-1 Industrial |

HISTORY: Prior to the 1979 zoning update, this property was zoned K Light Industrial.
The update changed the designation to I-1 Industrial.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Comprehensive Plan contemplates this property to remain Industrial.

Guiding Principles for Existing Neighborhoods:

Maintain existing pattern of streets. (F 69)

UTILITIES: Existing LES and telecommunication facilities are located within this alley.

TRAFFIC ANALYSIS: 7th Street is currently classified as a Local Street. (E 49) The 2025 Comprehensive Plan indicates 7th Street will remain classified as a Local Street. (F 105)

ANALYSIS:

1. This is an application to vacate the north-south alley from the north line of vacated Hatch Street running northwesterly to the south line of another alley.
2. Applicants desire to vacate this alley and acquire the right-of-way to use as driveway access to their building located on the adjacent property.
3. Applicants are willing to purchase the right-of-way if vacated.
4. There are public utilities existing within the boundaries of this proposed vacated area. A permanent public easement should be established over the entire vacated area for existing public facilities.

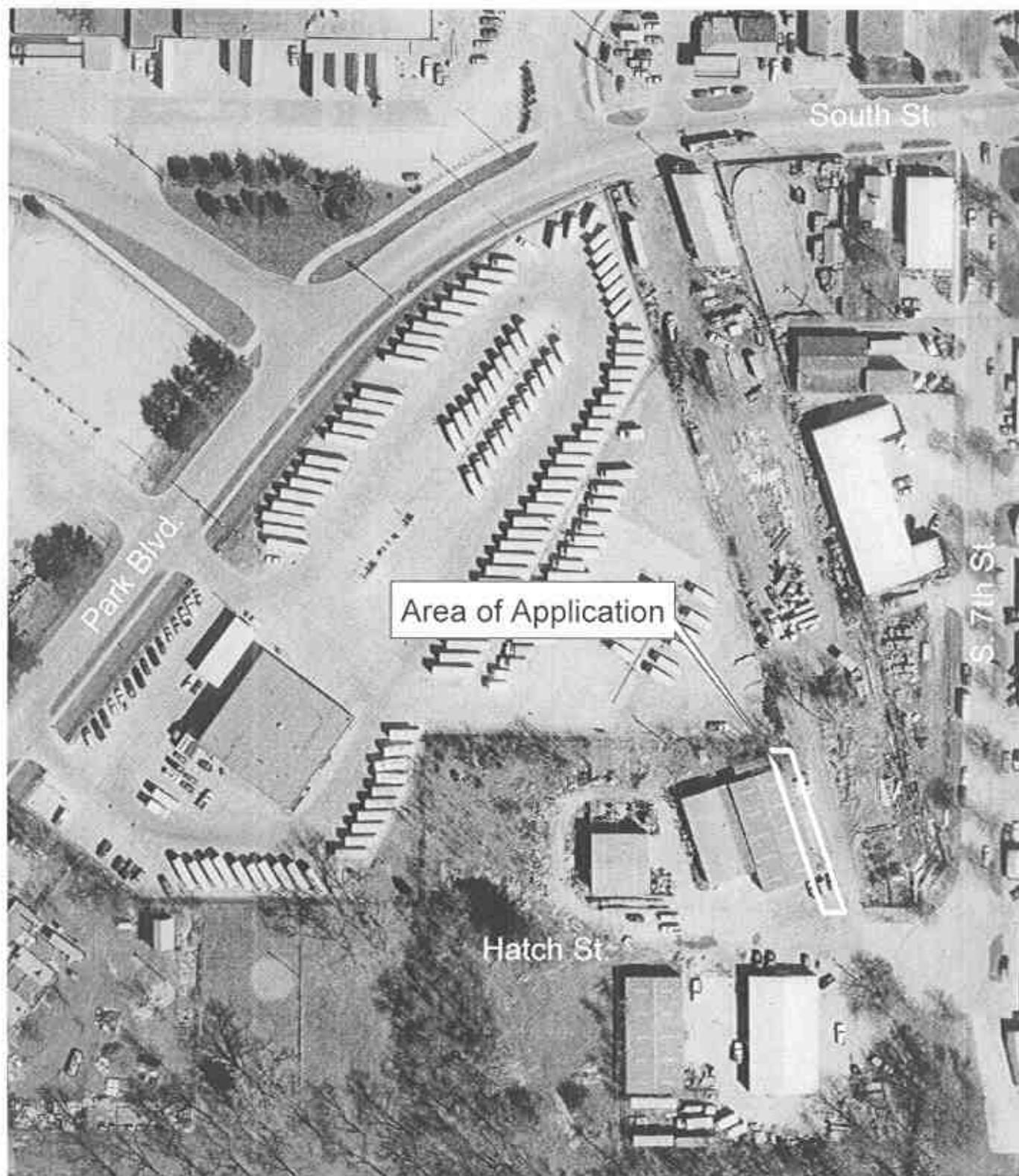
5. The vacation of this alley will not create any lots that do not front on and have access to a public street. However, previous street and alley vacations have left multiple lots without frontage or access to a public street.
6. This vacation will disrupt the existing street pattern by creating a situation where a dedicated alley cannot be accessed from a street or alley.
7. Public Works is opposed to this alley vacation until such time as petitions are submitted to vacate the east/west alley.
8. LCM Chapter 14.20 requires the owners of 100% of the property abutting the alley file a petition for such vacation.
9. Applicants state the owner of the property located north of and adjacent to the east/west alley is Lincoln Public Schools. LPS is not a party to this petition for vacation, and as of this time has not filed a petition.
10. The Planning Department has scheduled a meeting with LPS representatives for January 2, 2003. The Planning Department recommends deferral until after the meeting and LPS has had time to consider filing a petition. The Planning Department is hopeful LPS will agree to vacate the east/west alley.
11. Applicants agree to defer this item until February 5, 2003.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL
AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 The provisions of LMC Chapter 14.20 must be met.
- 1.2 Petitions must be submitted from the owner of the property adjacent to the east/west alley located north of Wrington Addition so that the east/west alley can be vacated.
- 1.3 A permanent public easement should be established over the entire vacated area for existing public facilities.

Prepared by:

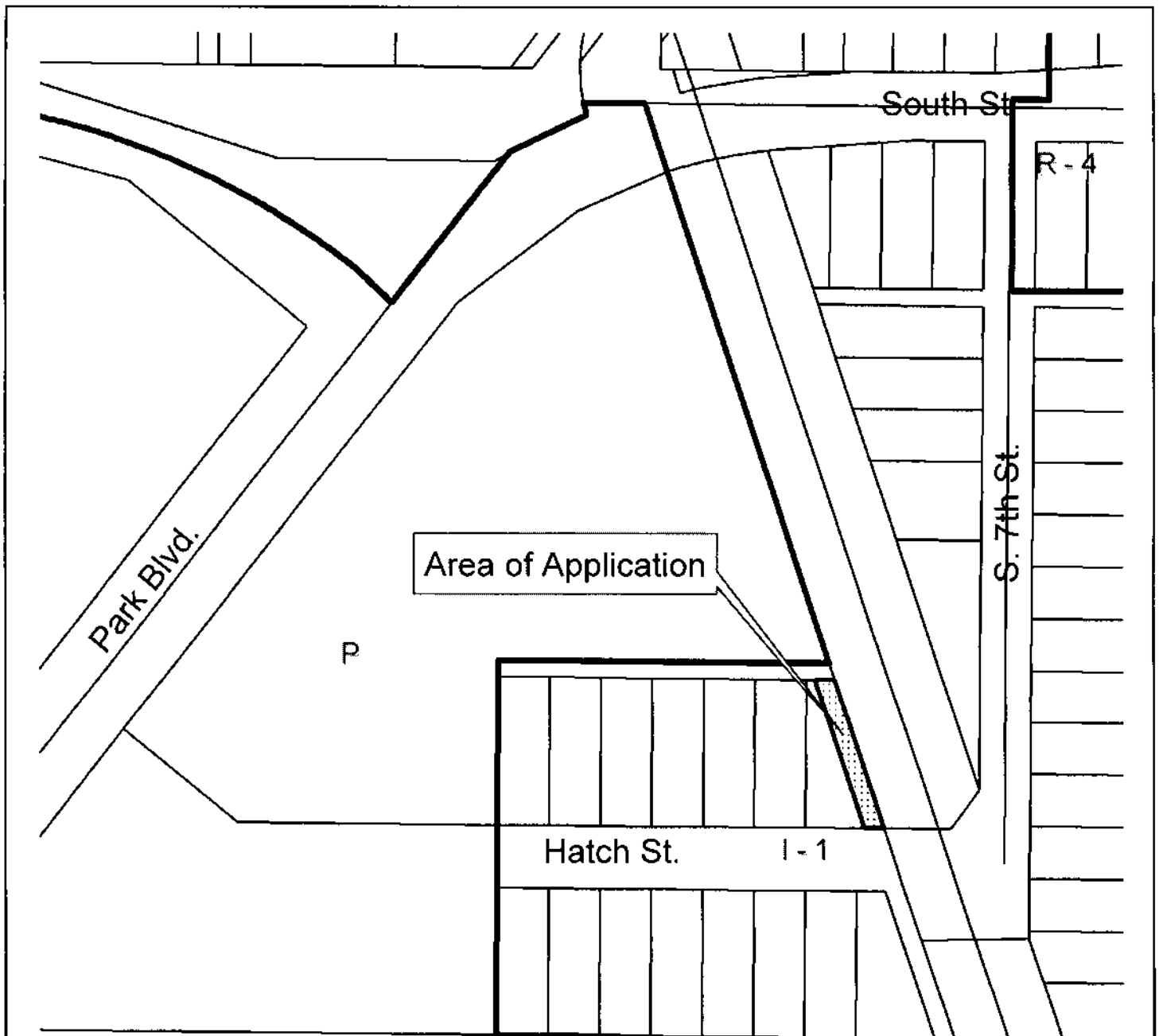
Greg Czaplewski
Planner



Street & Alley Vacation #02017
S. 7th & Hatch St.



Lincoln City - Lancaster County Planning Dept.
1997 Aerial



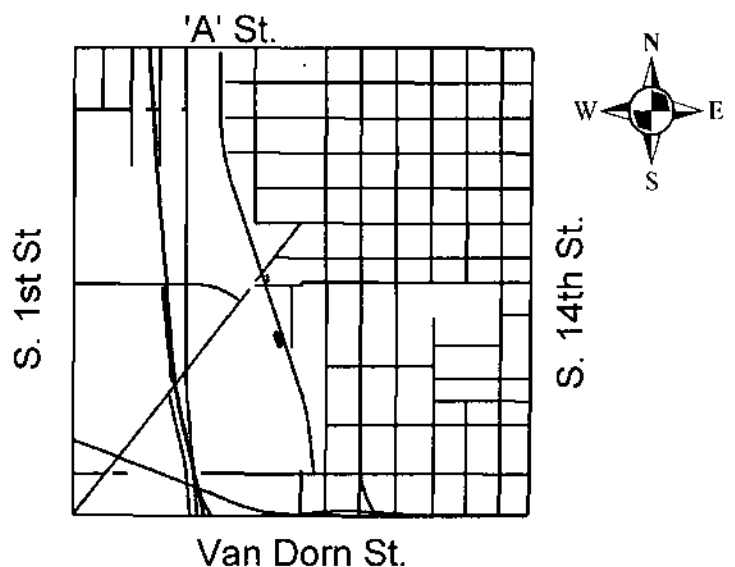
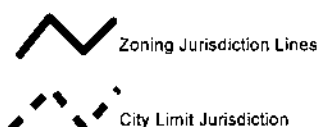
Street & Alley Vacation #02017

S. 7th & Hatch St.

Zoning:

| | |
|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

One Square Mile
Sec. 35 T10N R6E



Lincoln



Nebraska's Capital City

November 21, 2002

Lincoln City/Lancaster County
Planning Commission
Lincoln, Nebraska 68508

RE: Vacating the north-south alley from the north line of vacated Hatch Street running northwesterly between Lot 18, Block 22 Wrington Addition and Lot 146 I. T. in the southeast quarter of Section 35-10-6

Dear Ladies and Gentlemen:

Public Works has received a petition to vacate the above mentioned public right-of-way. There is also an east/west alley in this block which only has access to a public street through the north-south alley. Engineering Services informed the petitioner that the alley cannot be recommended for vacation unless the east-west alley was also petitioned for because it is not in the public interest to create a situation where a dedicated alley cannot be used for its dedicated purpose. The petitioner has requested the vacation be considered and the City Attorney's office has indicated that the request be forwarded.

Public Works strongly recommends that this requested vacation be denied unless the east-west alley is also petitioned to be vacated. Engineering Services fully recognizes that the alley is not opened for traffic and likely will not be opened in the foreseeable future, but the situation should not be created that isolates a dedicated right-of-way with no means of accessing it or to assume a property owner's future expectations or use of an abutting right-of-way.

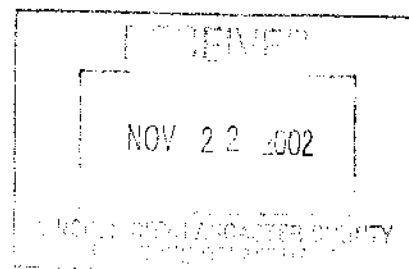
If the north-south alley is vacated, a permanent easement will need to be established for the existing Lincoln Electric System and Alltel facilities.

This vacation contains an area of 2,557.23 square feet, more or less.

Sincerely,

Dennis Bartels
Engineering Services

cc: Mayor Wesely
Allan Abbott
Marvin Krout
Marc Wullschleger
Roger Figard
Nicole Fleck-Tooze
Joan Ross
Clint Thomas
Rick Peo
Jack Wolfe
Randy Hoskins



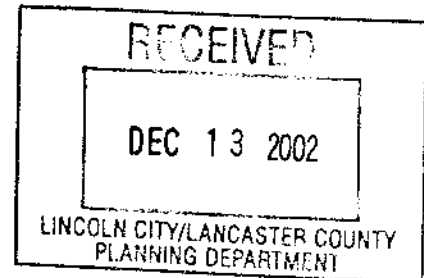
Hatch St Vac tom wpd

LAW OFFICES

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ANDREW B. KOSZEWSKI
CATHY S. TRENT



December 12, 2002

Mr. Greg Czaplewski
Lincoln-Lancaster County Planning Department
555 S. 10th Street, Room 213
Lincoln, Nebraska 68508

RE: Vacating the north-south alley from the north line of vacated Hatch Street running northwesterly between Lot 18, Block 22, Wrington Addition, and Lot 146 I.T. in the Southeast Quarter of Section 35-10-6

Dear Mr. Czaplewski:

Pursuant to our telephone conversation of this date, I am submitting to you the following documents, to wit:

1. Letter of August 1, 2002, addressed to myself from Jeanette Stull representing Lincoln Public Schools; and
2. Copy of survey prepared by Olsson Associates dated July 30, 2002; and
3. My letter of August 26, 2002, to Jeanette Stull.

I believe the letters and survey are self-explanatory inasmuch as Midwest Pump's interest is vacating the alley for which the petition has been filed.

Please provide me with a copy of your report when it becomes available, and unless I hear from you differently, I will assume that the public hearing before the Lincoln-Lancaster Planning Commission will be January 8, 2003.

Very truly yours,

Jack G. Wolfe

jwolfe@wolfsnowden.com

JGW:bdc
Enclosures

**PERRY, GUTHERY, HAASE
& GESSFORD, P.C., L.L.O.**

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Ernest B. Perry (1876-1962)
Arthur E. Perry (1910-1982)
R.R. Perry - (1917-1999)

Of Counsel
Edwin C. Perry

RECEIVED

AUG 9 2002

ATTORNEYS AT LAW

August 1, 2002

Mr. Jack Wolfe
1248 O Street, Suite 830
Lincoln, Nebraska 68508-1424

RE: LPS/Midwest Pump Alley Vacation

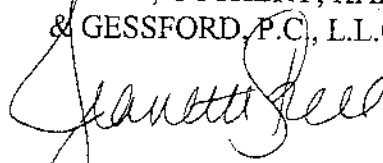
Dear Jack:

Jerry Kamptz at Olsson Associates has finally completed the survey of the alley between LPS's Transportation Department and Midwest Pump. Enclosed please find a sketch of the area prepared by Jerry. Our original intent in having the survey done was to be able to create a legal description allowing the property LPS has fenced in to be deeded to it after the vacation and the remaining property to be deeded to Midwest Pump. After reviewing the survey sketch, it appears that LPS's fence comes very close to fencing in the entire alley. As such, it may be simpler to deed all of the alley to LPS following the vacation. In anticipation of this, Jerry has not prepared a legal description yet. But if Midwest pump would prefer to continue with the original plan of deeding only the fenced in portion to LPS, I can ask Jerry to go ahead and do a legal description.

After reviewing this information with Midwest Pump, please get back to me with your thoughts. Thank you for your patience in this matter.

Sincerely,

**PERRY, GUTHERY, HAASE
& GESSFORD, P.C., L.L.O.**

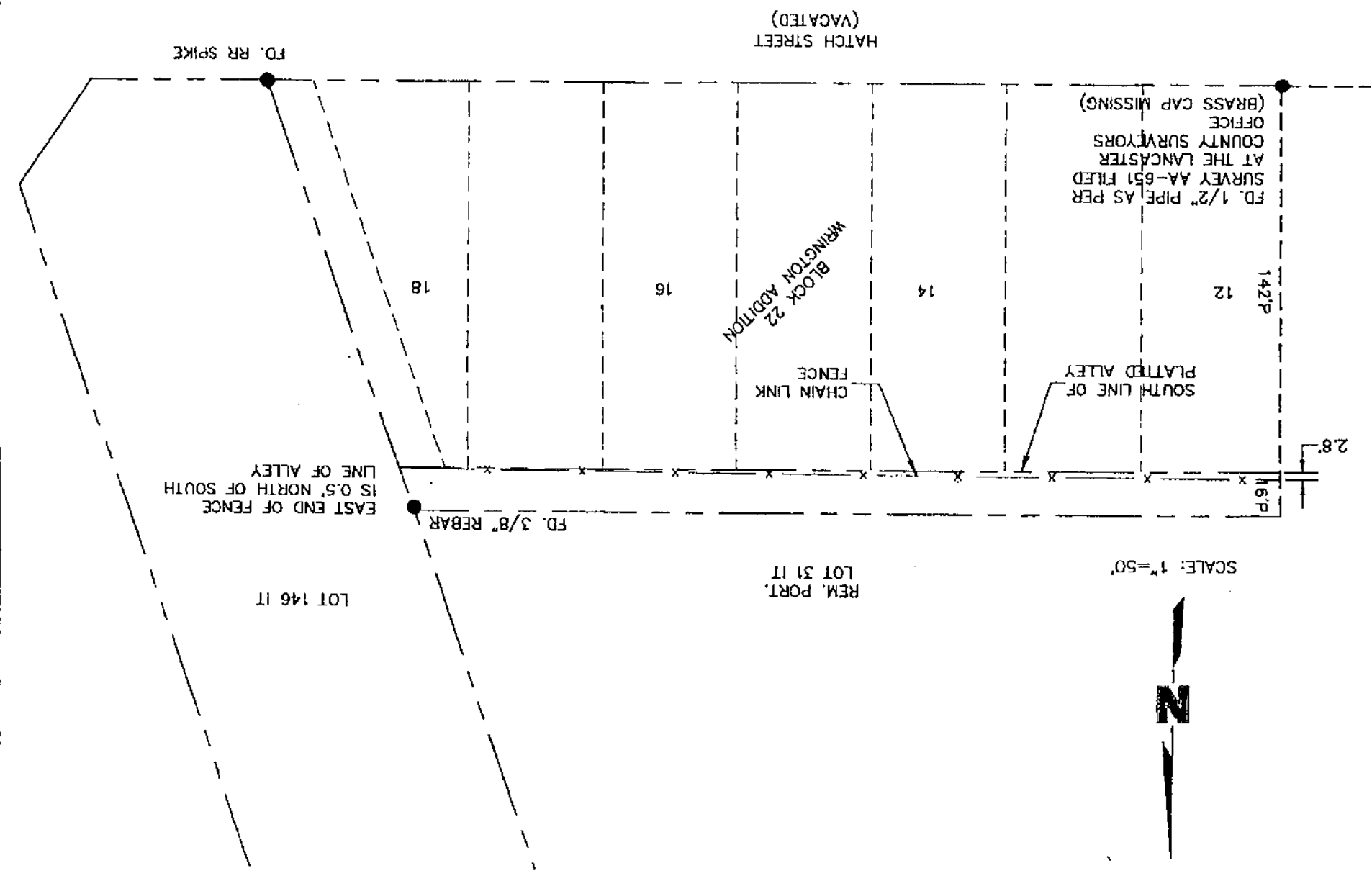


Jeanette Stull

cc: Denny Van Horn
Scott Wieskamp

LPS FENCE EXHIBIT

OLSSON ASSOCIATES
 ENGINEERS - PLANNERS - SURVEYORS
 1171 GARDEN HILL - LANSING, MICHIGAN 48206
 TEL: 313-487-8111 FAX: 313-487-8100



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S. GREGORY NELSON

August 26, 2002

Ms. Jeanette Stull
Perry, Guthery, Haase & Gessford, P.C., L.L.O.
233 South 13th Street, Suite 1400
Lincoln, Nebraska 68508

Re: LPS / Midwest Pump
Alley Vacation

Dear Jeanette:

I have spoken with my clients and they have no interest in paying for 100% of the alley and then deeding it to the Lincoln Public Schools system. While they have no objection if LPS wants to go forward with the vacation and purchase 100% of the east/west alley, they are of the opinion that they would prefer to have the alley open rather than pay for it on behalf of LPS.

If your client does not want to vacate the alley and acquire 100% of the real estate involved, I have been instructed to pursue having the alley opened.

Please advise me of your client's decision.

Very truly yours,

Jack G. Wolfe
jwolfe@wolfesnowden.com

JGW:bdc
pc: Midwest Pump & Equipment